

Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020

Explanatory notes for SL 2020 No. 181

Made under the

Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020

General Outline

Short Title

Proclamation commencing Chapter 4 of the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020*.

Authorising law

Section 2(3) of the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020*.

Policy objectives and the reasons for them

The objective of the Proclamation is to fix 7 September 2020 as the commencement date for Chapter 4 provisions of the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* (the Act) that are not in force.

The Act received assent on 30 June 2020.

Section 2(3) of the Act provides for Chapter 4 to commence on a day to be fixed by proclamation.

The policy objective of Chapter 4 of the Act is to improve the integrity and accountability of Ministers by amending the *Integrity Act 2009* and the *Parliament of Queensland Act 2001* to provide for new offences in each Act. These offences apply only to Ministers and seek to ensure conflicts of interest are declared and to reduce the risks of intentional misconduct.

The offence provided for in the *Integrity Act 2009* will capture a Minister who fails to disclose a conflict of interest with the intent to dishonestly gain a benefit to themselves or another person, or cause detriment to another person. The offence provides a maximum penalty of 2 years imprisonment or 200 penalty units. Cabinet Ministers will have one month from commencement to declare any current or new conflicts of interests to the relevant persons.

The offence provided for in the *Parliament of Queensland Act 2001* will apply where a Minister, with intent to obtain a benefit for themselves or another person, or cause detriment to another, fails to comply with obligations on members of Parliament to register interests with the Clerk of Parliament under sections 69B(1), (2) or (4) of the *Parliament of Queensland Act 2001*. A Minister will be liable to a maximum penalty of 2 years imprisonment or 200 penalty units.

Proceedings for either offence may only be commenced with the consent of the Director of Public Prosecutions.

The Act also amends section 47 of the *Parliament of Queensland Act 2001* as a consequence of these offences to ensure that a Minister cannot be punished for both contempt of the Assembly and the new offences in the Act.

Achievement of policy objectives

The policy objective is achieved by fixing 7 September 2020 as the commencement date for Chapter 4 of the Act.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The main benefit of the Proclamation is the commencement of Chapter 4 of the Act.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

Consultation was undertaken with the Director of Public Prosecutions, the Clerk of the Parliament, the Integrity Commissioner and the Crime and Corruption Commission. None of the stakeholders consulted raised any issues with the proposed commencement date.

A self-assessment by the Department of Justice and Attorney-General determined that no Regulatory Impact Analysis is required for the Proclamation as it is excluded under categories (g) (regulatory proposals that are of a machinery nature) and (j) (Regulatory proposals relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services) of the Queensland Government Guide to Better Regulation.